

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

* * * * *		CRIMINAL ACTION
UNITED STATES OF AMERICA	*	11-186-S
	*	
VS.	*	NOVEMBER 19, 2012
	*	
JOSEPH CARAMADRE and	*	
RAYMOUR RADHAKRISHNAN	*	PROVIDENCE, RI
* * * * *	*	

HEARD BEFORE THE HONORABLE WILLIAM E. SMITH
DISTRICT JUDGE
(Changes of Plea)

APPEARANCES:

FOR THE GOVERNMENT:	LEE VILKER, AUSA and JOHN P. McADAMS, AUSA U.S. Attorney's Office 50 Kennedy Plaza Providence, RI 02903
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FOR THE DEFENDANT Joseph Caramadre:	MICHAEL J. LEPIZZERA, ESQ. Lepizzera & Laprocina 117 Metro Center Blvd. Suite 2001 Warwick, RI 02886
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ANTHONY M. TRAINI, ESQ. 56 Pine Street Providence, RI 02903

APPEARANCES: (Continued)

FOR THE DEFENDANT

Raymour Radhakrishnan:

OLIN THOMPSON, ESQ.
Federal Defender's Office
10 Weybosset St.
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Court Reporter:

Anne M. Clayton, RPR
One Exchange Terrace
Providence, RI 02903

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1 19 NOVEMBER 2012 -- 9:20 A.M.

2 THE COURT: Good morning, everyone.

3 Counsel, are we ready to proceed on the basis of
4 our conversations this morning?

5 MR. LEPIZZERA: Yes, your Honor.

6 MR. RADHAKRISHNAN: Yes, your Honor.

7 THE COURT: All right, then. My understanding
8 is from my conversations with all counsel that the
9 Defendants have made a decision to change their pleas
10 in this case so we're going to proceed on that basis.

11 Before we begin, Mr. Radhakrishnan, I understand
12 that you wish to have Mr. Thompson take over the role
13 as your counsel at this point; is that correct?

14 MR. RADHAKRISHNAN: Yes, your Honor.

15 THE COURT: All right. Then I'm going to ask
16 both Defendants, Mr. Caramadre and Mr. Radhakrishnan,
17 to please stand and be sworn in by the clerk.

18 JOSEPH A. CARAMADRE and RAYMOUR RADHAKRISHNAN,
19 first having been duly sworn, testified as follows:

20 THE CLERK: Please state your name and spell
21 your last name for the record.

22 THE COURT: Begin with Mr. Caramadre.

23 MR. CARAMADRE: Joseph Caramadre,
24 C-A-R-A-M-A-D-R-E.

25 MR. RADHAKRISHNAN: Raymour Radhakrishnan.

1 Radhakrishnan is R-A-D-H-A-K-R-I-S-H-N-A-N.

2 THE COURT: Mr. Lepizzera, would you just move
3 the microphone closer to Mr. Caramadre so that each of
4 the Defendants has a microphone in front of them.

5 The way we're going to proceed, gentlemen, is
6 that I'm going to go through a series of questions.
7 I'm going to ask the questions of each of you. I'm
8 going to ask that you both answer the questions out
9 loud one after the other. Mr. Caramadre, you'll go
10 first; and Mr. Radhakrishnan, you'll go second. All
11 right? But we'll do this together.

12 So you've both been sworn in. I'm going to ask
13 you a series of questions. You're expected to answer
14 all of my questions truthfully. If you fail to answer
15 any of my questions truthfully, it could lead to
16 additional charges against you for perjury or for
17 making a false statement. Do both of you understand
18 that?

19 MR. CARAMADRE: Yes, your Honor.

20 MR. RADHAKRISHNAN: Yes, your Honor.

21 THE COURT: State your names again, please.

22 MR. CARAMADRE: Joseph Caramadre.

23 MR. RADHAKRISHNAN: Raymour Radhakrishnan.

24 THE COURT: How far did you go to school?

25 MR. CARAMADRE: Graduated from law school, your

1 Honor.

2 MR. RADHAKRISHNAN: I finished undergraduate
3 school and had a semester at law school, your Honor.

4 THE COURT: Have either of you been treated
5 recently for any mental illness or addiction to
6 narcotic drugs?

7 MR. CARAMADRE: Your Honor, I have been treated
8 for mental depression, both lately and for the last 20
9 years.

10 MR. TRAINI: Excuse me, your Honor, if I may. I
11 have with me a list of Mr. Caramadre's medications so
12 that we don't have to go through them.

13 THE COURT: Sure. Could you just bring that up.

14 MR. TRAINI: The Government has seen this, your
15 Honor.

16 THE COURT: And we can just confirm, with
17 respect to Mr. Caramadre, that you fully understand all
18 the proceedings that are going on here, correct?

19 MR. CARAMADRE: That is correct, your Honor.

20 THE COURT: And nothing in terms of these
21 medications would have any effect on your ability to
22 comprehend what's going on here?

23 MR. CARAMADRE: No, sir.

24 THE COURT: And counsel can just confirm that,
25 please.

1 MR. TRAINI: Yes, your Honor. That's correct.

2 THE COURT: All right.

3 Now, Mr. Radhakrishnan, what about you?

4 MR. RADHAKRISHNAN: I do not have any medical
5 conditions, your Honor.

6 THE COURT: We covered the medications you're
7 taking, Mr. Caramadre. Beyond that, are either of you
8 under the influence of any drugs or medications or
9 alcoholic beverages of any kind?

10 MR. CARAMADRE: No, your Honor.

11 MR. RADHAKRISHNAN: No, your Honor.

12 THE COURT: Both of you have seen a copy of the
13 Government's charges against you in this case; is that
14 right?

15 MR. CARAMADRE: That's correct, your Honor.

16 MR. RADHAKRISHNAN: Yes, your Honor.

17 THE COURT: And you both had a full opportunity
18 to discuss all of these charges against you with your
19 counsel; is that right?

20 MR. CARAMADRE: Yes, your Honor.

21 MR. RADHAKRISHNAN: Yes, your Honor.

22 THE COURT: And you have each now signed a plea
23 agreement in this case; is that correct?

24 MR. CARAMADRE: Yes, your Honor.

25 MR. RADHAKRISHNAN: Yes, your Honor.

1 THE COURT: And did each of you have a full
2 opportunity to discuss all of the charges against you
3 and the plea agreements and the consequences of these
4 plea agreements with your counsel before you signed the
5 plea agreements?

6 MR. CARAMADRE: Yes, your Honor.

7 MR. RADHAKRISHNAN: Yes, your Honor.

8 THE COURT: Now are each of you fully satisfied
9 -- first of all, were your counsel able to answer all
10 of your questions regarding all of the charges and the
11 terms of these plea agreements with you?

12 MR. CARAMADRE: Yes, your Honor.

13 MR. RADHAKRISHNAN: Yes, your Honor.

14 THE COURT: And are both of you fully satisfied
15 with all of the representation that you've received in
16 this case from your respective counsel?

17 MR. CARAMADRE: Yes, your Honor.

18 MR. RADHAKRISHNAN: Yes, your Honor.

19 THE COURT: Now, has anyone made any promises to
20 you of any kind in order to get you to -- other than
21 what's contained in the plea agreement, of course, in
22 order to get you to plead guilty in these cases?

23 MR. CARAMADRE: No, your Honor.

24 MR. RADHAKRISHNAN: No, your Honor.

25 THE COURT: Has anyone threatened you in any way

1 to get you to plead guilty?

2 MR. CARAMADRE: No, your Honor.

3 MR. RADHAKRISHNAN: No, your Honor.

4 THE COURT: You understand that these plea
5 agreements, essentially, are recommendations to the
6 Court. I may accept those recommendations or I may
7 choose not to. If I don't accept those
8 recommendations, you don't get to take back your plea
9 of guilty once you enter your plea today.

10 Let me give a caveat to that. These are pleas
11 under Rule 11C, and I'll go over the terms of that in a
12 moment. So it's understood that the potential sentence
13 in this case is capped at ten years and that's in the
14 plea agreement. But other than that, you understand
15 that these are recommendations and I may accept them or
16 not accept them; but if I don't accept anything that's
17 recommended in the plea agreement, you don't get to
18 take back your plea of guilty once you enter it today.
19 Do you understand that.

20 MR. CARAMADRE: Yes, your Honor.

21 MR. RADHAKRISHNAN: Yes, your Honor. I
22 understand.

23 THE COURT: Now, you understand, both of you,
24 that the offenses that you're pleading guilty to are
25 felony offenses and if I accept these pleas and you're

1 adjudged to be guilty of these offenses, it could
2 result in the loss of certain valuable civil rights
3 that you enjoy such as the right to vote, the right to
4 serve on a jury, the right to hold public office, the
5 right to possess a firearm. You both understand that?

6 MR. CARAMADRE: Yes, your Honor.

7 MR. RADHAKRISHNAN: Yes, your Honor.

8 THE COURT: Now, as I mentioned, these plea
9 agreements are made pursuant to Rule 11C, which means
10 the Court is agreeing to certain things in the plea
11 agreement with respect to the penalty. And I have
12 decided -- I've reviewed these agreements and I've
13 consulted with counsel and I've decided to accept the
14 plea agreements. And so with respect to the penalties,
15 I'm going to go through the statutory penalties with
16 you, but then I'm going to state what the agreement
17 says the penalty that has been -- the cap on the
18 penalty that's been agreed to and that I've agreed to.
19 All right?

20 So the maximum statutory penalties for the two
21 counts that you're pleading guilty to are as follows:
22 With respect to Count 9, 20 years of imprisonment, a
23 fine of \$250,000, a term of supervised release of three
24 years and a mandatory special assessment of \$100.

25 With respect to Count 33, five years of

1 imprisonment, a fine of \$250,000, a term of supervised
2 release of three years and a mandatory special
3 assessment of \$100.

4 If these penalties were imposed consecutively,
5 the maximum penalties would be 25 years of
6 imprisonment, a \$500,000 fine, three years of
7 supervised release and a mandatory special assessment
8 of \$200.

9 Now, do both of you understand that those are
10 the maximum statutory penalties that could be imposed
11 for the two counts to which you're pleading guilty to,
12 subject to the other conditions which I've described
13 and will describe in a moment.

14 MR. CARAMADRE: Yes, your Honor.

15 MR. RADHAKRISHNAN: Yes, your Honor.

16 THE COURT: Now, as I mentioned, the agreement
17 is pursuant to 11C, and paragraph two of the agreement
18 on page two states that the Government will recommend
19 that the Court impose a term of imprisonment no greater
20 than 120 months.

21 And my understanding was, Counsel, that this
22 agreement calls for the Court to agree that I will not
23 impose a term in excess of 120 months, correct?

24 MR. TRAINI: That's correct, your Honor.

25 THE COURT: Where is that in the agreement?

1 MR. TRAINI: In paragraph five, your Honor, it
2 states that consistent with 11C that you may accept or
3 reject under the provision of the Rules. So it's our
4 understanding if you accept it, you're accepting the
5 Government's restriction on the cap so that you will be
6 bound not to exceed 120 months at the top, and you can
7 sentence anywhere you want between that and zero.

8 MR. VILKER: That is correct, your Honor.

9 THE COURT: Well, what it really says is if I
10 exceed that recommended sentence, then the Defendants
11 are free to withdraw their pleas of guilty.

12 MR. VILKER: Exactly.

13 MR. TRAINI: That's correct, Judge.

14 THE COURT: All right. So do both of you
15 understand that? If I were to choose to go above the
16 recommended ten years, then each of you would be free
17 to withdraw your pleas of guilty. You understand that?

18 MR. CARAMADRE: Yes, your Honor.

19 MR. RADHAKRISHNAN: Yes, your Honor.

20 THE COURT: So in essence, the Court is agreeing
21 to impose a sentence at that agreed-to amount or below,
22 the 120 months or below. Do both of you understand
23 that?

24 MR. CARAMADRE: Yes, your Honor.

25 MR. RADHAKRISHNAN: Yes, your Honor.

1 THE COURT: All right. Now, do both of you
2 understand what supervised release is? It's like
3 probation?

4 MR. CARAMADRE: Yes, your Honor.

5 MR. RADHAKRISHNAN: Yes, your Honor.

6 THE COURT: Now, you understand that there'll be
7 a term of supervised release as part of the sentence in
8 this case without any question; and as I mentioned
9 earlier, the maximum term of supervised release would
10 be three years.

11 Why wouldn't that be six years?

12 MR. Vilker: Your Honor, it would not be imposed
13 consecutively given the particular statutes. It would
14 be concurrent.

15 THE COURT: All right. So if the maximum was
16 three years of supervised release, there would be
17 certain conditions imposed as part of that supervised
18 release. You'd be required to follow those conditions,
19 both standard conditions and there likely would be some
20 special conditions. If you fail to comply with
21 supervised release, that could result in additional
22 time in prison. Do you understand that?

23 MR. CARAMADRE: Yes, your Honor.

24 MR. RADHAKRISHNAN: Yes, your Honor.

25 THE COURT: You also understand there's a

1 special assessment of \$100 per count that you'd be
2 required to pay. That's \$200 each. Do you understand
3 that?

4 MR. CARAMADRE: Yes, your Honor.

5 MR. RADHAKRISHNAN: Yes, your Honor.

6 THE COURT: Now, I'm going to ask you a couple
7 of questions about the sentencing guidelines though
8 these questions are somewhat mooted by the agreement
9 with respect to the recommended sentence, but I need to
10 ask you these questions anyway.

11 Both of you understand and have you had an
12 opportunity to speak with your attorneys about the
13 Federal Sentencing Guidelines and how they work?

14 MR. CARAMADRE: Yes, your Honor.

15 MR. RADHAKRISHNAN: Yes, your Honor.

16 THE COURT: You understand that the sentencing
17 guidelines are not mandatory. They are advisory. And
18 what that means is I have to give them serious
19 consideration in determining the appropriate sentence
20 in this case, but I'm not required to follow them. Do
21 you understand that?

22 MR. CARAMADRE: Yes, your Honor.

23 MR. RADHAKRISHNAN: Yes, your Honor.

24 THE COURT: You understand that anything you've
25 been told about how the sentencing guidelines will

1 apply to your case are just estimates, that we won't
2 know precisely how they apply to your case until after
3 the Office of Probation conducts a presentence
4 investigation and issues its report. You'll have an
5 opportunity to read that report along with your
6 counsel, file any objections that you believe are
7 appropriate. Once I rule on those objections and set
8 the guideline range, that's when we know how the
9 sentencing guidelines apply to your case. Do you
10 understand all of that?

11 MR. CARAMADRE: Yes, your Honor.

12 MR. RADHAKRISHNAN: Yes, your Honor.

13 THE COURT: And if it turns out that the
14 sentencing guideline applications are higher than what
15 you thought they were going to be for whatever reason,
16 that does not give you the right to withdraw your plea
17 of guilty. Do you understand that?

18 MR. CARAMADRE: Yes, your Honor.

19 MR. RADHAKRISHNAN: Yes, your Honor.

20 THE COURT: Now, you have a number of very
21 important constitutional rights, as you know, that
22 you're giving up by entering a plea of guilty in this
23 case. I'm going to go through those rights with you
24 now. They're contained at paragraph seven of your plea
25 agreements, but I want to go through them with you on

1 the record.

2 So first of all, you have the right to plead not
3 guilty and to persist in your plea of not guilty
4 through trial to the jury that's currently impaneled.
5 Do you understand that?

6 MR. CARAMADRE: Yes, your Honor.

7 MR. RADHAKRISHNAN: Yes, your Honor.

8 THE COURT: And in trial, you are presumed to be
9 innocent of the charges against you and it's the
10 Government's burden to prove your guilt beyond a
11 reasonable doubt. Do you understand that?

12 MR. CARAMADRE: Yes, your Honor.

13 MR. RADHAKRISHNAN: Yes, your Honor.

14 THE COURT: And at trial, you have the right to
15 be represented throughout trial by counsel; you have
16 the right to see and hear all witnesses who would
17 testify against you and to have them cross-examined by
18 your counsel. Do you understand that?

19 MR. CARAMADRE: Yes, your Honor.

20 MR. RADHAKRISHNAN: Yes, your Honor.

21 THE COURT: And at trial, you would have the
22 right to testify on your own behalf if you wished to do
23 so, or you could decide to not testify, that is, you
24 could exercise your constitutional right to remain
25 silent. Now, if you chose to remain silent and not

1 testify, the Government could not use your silence
2 against you to try to prove your guilt. Do you
3 understand that?

4 MR. CARAMADRE: Yes, your Honor.

5 MR. RADHAKRISHNAN: Yes, your Honor.

6 THE COURT: Finally, at trial you'd have the
7 right to use the power of the Court to obtain documents
8 or other items of evidence that you believe might be
9 helpful to your defense, or to compel witnesses to come
10 to Court and testify if you thought that might be
11 helpful to your defense. Do you understand all of
12 that?

13 MR. CARAMADRE: Yes, your Honor.

14 MR. RADHAKRISHNAN: Yes, your Honor.

15 THE COURT: Now, by entering these pleas of
16 guilty today, you're giving up all of these rights that
17 I've just described to you and you understand that
18 there will not be or we will not complete the trial in
19 this case. Do you understand that?

20 MR. CARAMADRE: Yes, your Honor.

21 MR. RADHAKRISHNAN: Yes, your Honor.

22 THE COURT: Now, in your plea agreements, you
23 understand that you're waiving the right to appeal the
24 sentence that is imposed as long as the sentence is
25 below the recommended sentence of ten years. Do you

1 understand that?

2 MR. CARAMADRE: Yes, your Honor.

3 MR. RADHAKRISHNAN: Yes, your Honor.

4 THE COURT: That's paragraph 10 of your plea
5 agreement.

6 You also both understand that there's no such
7 thing as parole in the federal system; that is,
8 whatever sentence you receive, that's the sentence that
9 you will serve. Do you understand that?

10 MR. CARAMADRE: Yes, your Honor.

11 MR. RADHAKRISHNAN: Yes, your Honor.

12 THE COURT: Now, what I'm going to do at this
13 point is ask Mr. Vilker to come forward, and he's going
14 to put on the record the legal elements that the
15 Government is required to prove with respect to the two
16 counts that you are pleading guilty to, and then he's
17 going to review the agreed-to statement of facts, which
18 has been attached to your plea agreements and which I
19 understand each of you has signed, but we need to put
20 all of that on the record.

21 So you can sit down when he does this. And
22 Mr. Vilker, you may come forward.

23 MR. VILKER: Thank you, your Honor.

24 Your Honor, the Defendants have agreed to plead
25 guilty to one count of wire fraud and one count of

1 conspiracy. The elements for the wire fraud count,
2 that, first, that there was a scheme substantially as
3 charged in the indictment to defraud or obtain money or
4 property by means of false or fraudulent pretenses;
5 second, that each Defendant knowingly and willfully
6 participated in this scheme with the intent to defraud;
7 and third, that the Defendants used interstate wires on
8 or about the date alleged in furtherance of the scheme.

9 The elements of the conspiracy count are:

10 First, that there was an agreement specified in the
11 indictment and not some other agreement that existed
12 between at least two people to commit the offenses
13 listed in the indictment, which are mail fraud, wire
14 fraud and identity fraud; second, that each Defendant
15 willfully joined in that agreement; and third, that one
16 of the conspirators committed at least one overt act in
17 an effort to further the purpose of the conspiracy.

18 The statement of facts that are agreed to by the
19 parties are as follows: From in or about 1995 through
20 2010, Joseph Caramadre ran a company called Estate
21 Planning Resources from offices in Warwick, Providence
22 and Cranston, Rhode Island. Defendant Raymour
23 Radhakrishnan was hired by Mr. Caramadre in July of
24 2007. In the mid-1990's, Mr. Caramadre developed an
25 investment strategy that depended on the use of

1 terminally-ill individuals. On his own behalf, and on
2 the behalf of investors, friends and family members,
3 Mr. Caramadre began to purchase from insurance
4 companies products called variable annuities. These
5 annuities offered death benefits upon the death of the
6 person identified as the annuitant. These benefits
7 included a guaranteed return of all the money invested
8 plus, in many instances, a guaranteed profit even if
9 the market went down and various other bonuses and
10 enhancements.

11 In 2006, Mr. Caramadre began to invest in
12 another financial product that produced substantial
13 profits upon the death of an individual, so-called
14 death-put bonds. Under the terms of these bonds, the
15 owner of the bond is able to redeem the bond years or
16 decades prior to the bond's maturity date upon the
17 death of the bond's co-owner. This investment strategy
18 also depended on the use of terminally-ill individuals.

19 Beginning in or about July of 2007 and
20 continuing at least through August 2010, Mr. Caramadre
21 and Mr. Radhakrishnan did knowingly and willfully
22 conspire with each other and with others to commit mail
23 the fraud in violation of 18 U.S.C. 1341, wire fraud in
24 violation 18 U.S.C. 1343, and identity fraud in
25 violation of 18 U.S.C. 1028(a)(7).

1 In addition, from 1995 through August 2010,
2 Mr. Caramadre executed a scheme to defraud financial
3 institutions and terminally-ill individuals.

4 Mr. Radhakrishnan joined the scheme when he was
5 hired by Mr. Caramadre in July 2007.

6 It was the object of the scheme to defraud and
7 the goal of the conspiracy for Caramadre and
8 Radhakrishnan to fraudulently obtain significant sums
9 of money from the insurance companies and bond issuers.
10 The insurance companies collectively lost millions of
11 dollars from the Defendants' submission of variable
12 annuities utilizing terminally-ill annuitants.

13 Defendants submitted annuity applications using
14 terminally-ill individuals as annuitants to a number of
15 insurance companies that are identified in the
16 statement of facts agreed upon by the parties.

17 The bond issuers were required to pay the face
18 value of bonds at a date much earlier than they
19 otherwise would have been required to due to
20 Defendants' exercise of death-put features of the
21 bonds. The Defendants purchased death-put bonds with
22 terminally-ill individuals from a number of companies
23 that are also identified in the statement of facts
24 agreed to by the parties.

25 Mr. Caramadre and Mr. Radhakrishnan fraudulently

1 obtained millions of dollars by making or causing to be
2 made material misrepresentations and omissions to,
3 first, terminally ill people, their family members and
4 caregivers in order to obtain identity information and
5 signatures for use in furtherance of the scheme;
6 second, insurance companies; and, third,
7 intermediaries, including brokerage houses and
8 broker/dealers.

9 In order to execute this scheme and conspiracy,
10 Mr. Caramadre and Mr. Radhakrishnan fraudulently
11 obtained the identity information of terminally-ill
12 individuals. Mr. Caramadre and Mr. Radhakrishnan
13 obtained signatures of numerous terminally-ill
14 individuals on brokerage accounts and annuity opening
15 documents by means of false misrepresentations and
16 omissions.

17 Mr. Radhakrishnan gave a variety of false
18 explanations as to why the signatures of these
19 terminally-ill individuals were required, including
20 misrepresenting the nature and purpose of the documents
21 the terminally-ill individuals were asked to sign.

22 Mr. Caramadre and Mr. Radhakrishnan concealed
23 from the terminally-ill individuals and their family
24 members that their identities would be used on
25 annuities and bonds that were purchased by

1 Mr. Caramadre and others. The names of some of the
2 terminally-ill people whose identity information was
3 used by the Defendants without the individual's
4 knowledge and consent include, but are not limited to,
5 Antonio DeCastro, John Lang, Michael Mallane, Vincent
6 Moretti, Pia Bernardo, John Gonsalves, Dennis Flori,
7 Edwin Rodriguez, James Kimball, Robert Cazeault, Hattie
8 Strobel, Charles Perry, Maria Nina, John Kivalos,
9 Augusto Escobar de Rodas, Sonia Gonzalez, Donna
10 Perotta, Richard Wiley, Arthur Culotta, William
11 Hazelwood, Linda Barbeau, Bertha Howard and Bruce
12 Marshall.

13 It was further part of the scheme to defraud and
14 the conspiracy that Mr. Caramadre and Mr. Radhakrishnan
15 took steps that prevented the terminally-ill
16 individuals from understanding the nature of the
17 documents they were signing.

18 The Defendants typically did not give the
19 terminally-ill people copies of documents they signed
20 or give them time with the documents before signing
21 them.

22 In addition, Defendants Caramadre and
23 Radhakrishnan often had the terminally-ill individuals
24 sign blank signature pages of application forms without
25 showing them the completed applications.

1 It was further part of the scheme to fraud and
2 the conspiracy that Mr. Caramadre and Mr. Radhakrishnan
3 made and caused to be made material misrepresentations
4 and omissions to various corporate entities, including
5 insurance companies, bonds issuers, broker/dealers and
6 brokerage houses. Defendant Caramadre and his
7 co-conspirators made numerous false representations to
8 insurance companies that some of the annuity owners
9 were friends, clients or acquaintances of the
10 terminally-ill individuals who were named as
11 annuitants.

12 In addition, Mr. Caramadre took steps to conceal
13 his use of terminally-ill individuals from the
14 insurance companies, including opening annuities with
15 small deposits that would not attract scrutiny,
16 delaying the filing of death claims and opening
17 annuities in the name of Mr. Radhakrishnan when the
18 funds actually belonged to Mr. Caramadre.

19 In addition, Mr. Caramadre made
20 misrepresentations to representatives of broker/dealer
21 LifeMark concerning the manner in which the annuitants
22 and co-owners of brokerage accounts were identified and
23 whether they were being paid by Mr. Caramadre.

24 Mr. Caramadre and Mr. Radhakrishnan also
25 provided false and fraudulent information concerning

1 the finances and investment history of many of the
2 terminally-ill individuals listed as co-owners of
3 brokerage accounts. Moreover, from in or about January
4 2008 to in or about September 2008, Mr. Caramadre and
5 Mr. Radhakrishnan made misrepresentations to
6 representatives from brokerage houses concerning the
7 purpose of the numerous joint accounts that had been
8 opened in the names of Mr. Caramadre and other
9 individuals.

10 Mr. Caramadre and Mr. Radhakrishnan falsely told
11 brokerage house representatives that the co-owners of
12 the accounts were estate planning clients of
13 Mr. Caramadre and that a portion of the investment
14 funds came from the co-owners.

15 It was a further part of the scheme to defraud
16 and the conspiracy that Mr. Caramadre concealed his
17 true ownership in many of the annuities and bonds by
18 purchasing the annuities and bonds in the names of
19 other individuals, including Mr. Radhakrishnan. With
20 three of the annuities submitted in Mr. Radhakrishnan's
21 name, but with the funds of Mr. Caramadre,
22 Mr. Radhakrishnan misrepresented his income and assets
23 in the suitability forms that accompanied the annuity
24 applications.

25 Finally, in furtherance of the scheme and

1 conspiracy, Defendants Caramadre and Radhakrishnan
2 caused to be opened a brokerage account at T.D.
3 Ameritrade in the names of Mr. Caramadre and Edwin
4 Rodriguez. On or about June 25th of 2008, Defendants
5 Caramadre and Radhakrishnan knowingly transmitted and
6 caused to be transmitted in interstate wire for the
7 purpose of executing the scheme specifically an
8 interstate wire of \$280,000 in funds from the Citizens
9 Bank account of Mr. Caramadre to the Ameritrade account
10 that had been opened in the names of Mr. Caramadre and
11 Mr. Rodriguez.

12 THE COURT: All right. Will the Defendants
13 please stand.

14 Now, you heard Mr. Vilker describe the statement
15 of facts, which you've signed, the only difference
16 being that he didn't list the long list of insurance
17 companies and other companies.

18 So I need to ask you on the record, do each of
19 you agree that these facts are true and these are the
20 facts of the case? Mr. Caramadre?

21 MR. CARAMADRE: Yes, your Honor.

22 MR. RADHAKRISHNAN: Yes, your Honor.

23 THE COURT: I'm now going to ask each of you how
24 you wish to plead to these charges, guilty or not
25 guilty? Beginning with you, Mr. Caramadre.

1 MR. CARAMADRE: Guilty.

2 MR. RADHAKRISHNAN: Guilty, your Honor.

3 THE COURT: It is the finding of this Court in
4 the case of the United States versus Joseph Caramadre
5 and Raymour Radhakrishnan that the Defendants are fully
6 competent and capable of entering an informed plea;
7 that the Defendants are aware of the nature of the
8 charges against them and the consequences of their
9 pleas; and their pleas of guilty are knowing and
10 voluntary pleas supported by an independent basis in
11 fact containing each of the essential elements of the
12 offenses. These pleas are, therefore, accepted, and
13 the Defendants are hereby adjudged guilty of those
14 offenses.

15 The sentencings in these cases are going to be
16 set down for the time being as follows, with the
17 understanding that these dates may change based on my
18 prior discussion with counsel. These may be viewed as
19 placeholder dates. Friday, February 8th for
20 Mr. Caramadre at 9:00 a.m., this is 2013, obviously;
21 and Friday, February 8, 2013, at 10:00 a.m. for
22 Defendant Radhakrishnan.

23 Now, between now and the sentencing date,
24 whether it's that date or another, the Office of
25 Probation will be preparing a Presentence Investigation

1 Report to be used in determining the appropriate
2 sentence in this case, and I want to encourage both of
3 you to cooperate fully with the probation officer in
4 the preparation of that report.

5 Now, my understanding also is that the
6 Government is agreeable to both of you remaining on
7 your current bail status and that's agreeable to me as
8 well based on my understanding that both of you have
9 been compliant up to this point.

10 I do want to emphasize to you, though, that your
11 status before the Court has changed. Now you're no
12 longer individuals that have been accused of a crime.
13 You've now been convicted of those crimes. It's very
14 important that you continue to fully comply with all
15 the conditions of your release pending your sentencing;
16 otherwise, I might be in a position where I would have
17 to incarcerate you pending sentence, and I don't want
18 to do that. So make sure you continue to be fully
19 compliant with your conditions of release.

20 All right. I believe that -- is there anything
21 else?

22 MR. VILKER: I just have one other thing that I
23 want to say, your Honor. Under the plea agreement, the
24 Government has agreed to dismiss the remaining counts
25 at sentencing. I just wanted to put on the record,

1 because it wasn't contained in the plea agreement, the
2 Government also agrees to dismiss the forfeiture
3 allegation at the time of sentencing as well.

4 THE COURT: All of this will take place at the
5 time of sentencing?

6 MR. VILKER: Exactly.

7 THE COURT: Anything else from defense side?

8 MR. LEPIZZERA: That was my only point, your
9 Honor.

10 MR. THOMPSON: Nothing, your Honor. Thank you.

11 THE COURT: Okay. Very well.

12 Charlie, just let the jury know I'm going to
13 come down and speak to them now.

14 Okay. Thank you all very much. And thank you
15 for all of your hard work over the weekend to make this
16 happen.

17 (Court concluded at 10:00 a.m.)
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C E R T I F I C A T I O N

I, Anne M. Clayton, RPR, do hereby certify
that the foregoing pages are a true and accurate
transcription of my stenographic notes in the
above-entitled case.

/s/ Anne M. Clayton

Anne M. Clayton, RPR

December 10, 2012

Date